

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF COMMERCE

In the Matter of Midwest Oil of Minnesota,
LLC.

**ORDER ON MOTION
FOR EVIDENTIARY
SANCTIONS**

This matter is before Administrative Law Judge Kathleen D. Sheehy on the Department's motion for evidentiary sanctions relating to the Respondent's document production. The motion was heard on September 28, 2005, at the Office of Administrative Hearings. The motion record closed that day.

Christopher M. Kaisershot, Assistant Attorney General, Suite 1200, 445 Minnesota Street, St. Paul, MN 55101-2130, appeared for the Department of Commerce (Department).

Christopher K. Sandberg, Esq., Lockridge Grindal Nauen PLLP, Suite 2200, 100 Washington Avenue South, Minneapolis, MN 55401-2179, appeared for Midwest Oil of Minnesota, Inc. (Midwest Oil or the Respondent).

Based upon all of the files, records, and proceedings herein, and for the reasons set forth in the accompanying Memorandum, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED:

1. That the Department's motion to preclude Midwest Oil from supporting defenses regarding Oakdale Exxon or Albert Lea Mobil based on the manner of its document production is **DENIED**;
2. That the Department's motion to preclude Anoka Exxon from offering evidence that contradicts its daily reports is **DENIED**;
3. That by October 5, 2005, the Respondent shall organize the cash register reports for Oakdale Exxon and Albert Lea Mobil so that the reports are consecutively paged, similar to the manner in which they are arranged in Exhibits C and D to Midwest Oil's Response to the Department's motion; and
4. The procedural schedule is modified as follows to permit the parties to attempt to reach a stipulation as to the facts concerning the Respondent's gasoline prices during the time periods at issue:

- September 30, 2005: The prehearing status conference scheduled for 1:30 p.m. is canceled.
- October 10, 2005: Deadline for parties to exchange copies of all exhibits and witness lists. The witness lists shall contain a brief summary of the expected testimony for each witness. The parties shall provide a copy of the exhibit and witness lists to the Administrative Law Judge.
- October 17-18, 2005: Hearing, beginning at 9:30 a.m. at the Office of Administrative Hearings.

Dated this 29th day of September, 2005.

s/Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge